UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,894	04/17/2001	John E. Armstrong	75637/11931	6547

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EXAMINER
BACKER, FIRMIN

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/836,894	ARMSTRONG ET AL.
		Examiner	**Art Unit**
		Firmin Backer	3621

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _22 February 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _6-59_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _6-59_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on February 22nd, 2005 has been entered.

Response to Arguments

2.   Applicant's arguments with respect to claims 6-59 have been considered but are moot in

view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 6-59 are rejected under 35 U.S.C. 102(e) as being anticipated by Tarpenning et al

(U.S. PG Pub No. 20020007454).

5.   As per claims 6, Tarpenning et al teach a method/system/computer usable medium for

exchanging data between an initiator and a responder, comprising sending a session request

package from the initiator to the responder; sending a session confirm from the responder to the

initiator; generating a first key pair by the responder, the first key pair comprising a responder

public key and a responder private key, sending a key request from the initiator to the responder

the session confirm comprising the initiator public key; generating a first key pair by the

initiator, the first key pair comprising a initiator public key and a responder private key

confirming the initiator's key request has been encoded correctly by the responder; sending a key

confirm from the responder to the initiator; confirming the responder's key confirm has been

encoded correctly by the initiator; sending a data package by the initiator to the responder;

replying with a package confirm by the responder to the initiator; and, repeating the sending a

data package step and replying step until the initiator sends an end request (*see paragraphs 0014,*

0027, 0034, 0035, 0042).

6.   As per claims 7, Tarpenning et al teach a method/system/computer usable medium for

exchanging data wherein the session request package comprises the initiator's IP address and

profile data (*see paragraphs 0014, 0027, 0034, 0035, 0042).*

7.   As per claims 8, Tarpenning et al teach a method/system/computer usable medium for

exchanging data wherein the session confirm step comprises the step of generating a new session

key pair having a responder's public session key (*see paragraphs 0014, 0027, 0034, 0035, 0042).*

8.   As per claims 9, Tarpenning et al teach a method/system/computer usable medium for
exchanging data wherein the session confirm comprises: the session key pair; the responder's
public session key; the responder's profile data (*see paragraphs 0014, 0027, 0034, 0035, 0042*).

9.   As per claims 10, Tarpenning et al teach a method/system/computer usable medium for
exchanging data the key request comprises: the initiator's public session key; the initiator's
profile data (*see paragraphs 0014, 0027, 0034, 0035, 0042*).

10.   As per claims 11, Tarpenning et al teach a method/system/computer usable medium for
exchanging data wherein the session confirm comprises the responder's public session key (*see
paragraphs 0014, 0027, 0034, 0035, 0042*).

11.   As per claims 12, Tarpenning et al teach a method/system/computer usable medium for
exchanging data wherein the key request is encoded with the responder's public session key (*see
paragraphs 0014, 0027, 0034, 0035, 0042*).

12.   As per claims 13, Tarpenning et al teach a method/system/computer usable medium for
exchanging data wherein the confirming the initator's key request comprises decoding the key
request; and, verifying the key request is properly formatted (*see paragraphs 0014, 0027, 0034,
0035, 0042*).

13.   As per claims 14, Tarpenning et al teach a method/system/computer usable medium for exchanging data wherein the confirming the responder's key confirm comprises decoding the key confirm, and verifying the key confirm is properly formatted (*see paragraphs 0014, 0027, 0034, 0035, 0042*).

14.   As per claims 15, Tarpenning et al teach a method/system/computer usable medium for exchanging data wherein the sending a data package comprises converting the data from its original format to a standardized format (*see paragraphs 0014, 0027, 0034, 0035, 0042*).

15.   As per claims 16, Tarpenning et al teach a method/system/computer usable medium for exchanging data wherein the replying comprises converting the data from the standardized format to a format used by the responder (*see paragraphs 0014, 0027, 0034, 0035, 0042*).

16.   As per claims 17, Tarpenning et al teach a method/system/computer usable medium for exchanging data wherein the standardized format is EDI (*see paragraphs 0014, 0027, 0034, 0035, 0042*).

17.   As per claim 18-59, they disclose same inventive concept as claims 6-17. Therefore they are rejected under the same rationale as claim 6-17.
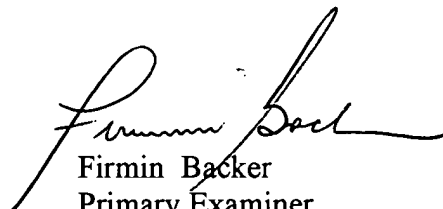
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Firmin Backer
Primary Examiner
Art Unit 3621

March 31, 2005